IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF PENNSYLVANIA

| RANDY L. MORGAN, T/A/D/B/A CONCEPTS RESIDENTIAL DESIGN COMPANY, | |
|---|---------------------------|
| Plaintiff, | |
| v. | Civil Action No. 04- 1809 |
| HAWTHORNE HOMES, INC., and HANNA HOLDINGS, | |
| Defendants. | } |

ORDER

AND NOW, to-wit, this _______day of April, 2009, for the reasons stated in the accompanying opinion filed contemporaneously hereto, it is hereby ORDERED, ADJUDGED and DECREED THAT:

- 1). Plaintiff's Motion for Partial Summary Judgment (doc. 48) be and the same is hereby DENIED.
- 2) Defendant Hawthorne Homes' Motion for Summary Judgment (Doc. 58) be and the same is hereby GRANTED IN PART AND DENIED IN PART, as more fully stated in the accompanying Opinion.
- 3) Hanna Holdings' Motion for Summary Judgment (Doc. 61) be and the same is hereby GRANTED.
- 4.) Plaintiff's "Motion to Consolidate" (Doc. 170) be and the same is hereby DENIED WITHOUT PREJUDICE.
- 5.) Plaintiff's "Motion for Leave to Amend the Complaint, Sever the Amended Claims, and Join the Severed Claims with the Related Action filed Under Civil Action 07-803 with direction that the Filing Date of the Newly Joined Claims will Related Back to the Filing Date of Civil Action 04-CV-1809" (Doc. 166) be and the same is hereby DENIED.

Maurice B. Cohill, Jr. Senior United States District Judge

Counsel of record

cc: